

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**IN RE: WORLD TRADE CENTER DISASTER SITE  
LITIGATION**

21 MC 100 (AKH)

21 MC 103 (AKH)

**THIS DOCUMENT APPLIES TO ALL WORLD  
TRADE CENTER DISASTER SITE LITIGATION**

## **STIPULATION**

The parties to the above-captioned consolidated action, through their respective counsel of record, hereby stipulate and agree as follows:

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the undersigned, that the following Defendants: Highrise Hoisting & Scaffolding, Inc.; Diego Construction, Inc.; and Donofrio General Contractors Corp., shall be dismissed without prejudice from all pending actions within the 21 MC 100 and 21 MC 103 dockets in which they are named; and it is further

STIPULATED AND AGREED, by and between the attorneys for the undersigned, that for all civil actions that may be dismissed pursuant to this Stipulation, Defendants will not raise the Statute of Limitations as a defense if the original action was timely filed and served, but that Defendants shall have all rights and defenses pursuant to New York Unconsolidated Laws Sections 7101 et seq. or any applicable statute of limitation that they have as of the date each action is discontinued pursuant to this Stipulation.

Dated: New York, New York  
August 28, 2008

WORBY GRONER EDELMAN & NAPOLI  
BERN, LLP

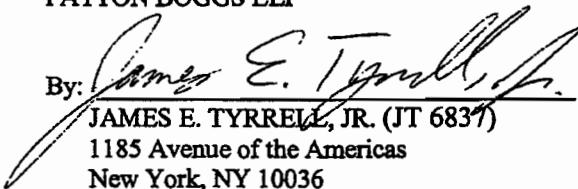
By:

  
CHRISTOPHER R. LOPALO (CL 6466)  
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Suite 7413  
New York, NY 10118  
(212) 267-3700

Dated: New York, New York  
August 28, 2008

PATTON BOGGS LLP

By:

  
JAMES E. TYRRELL, JR. (JT 6831)  
1185 Avenue of the Americas  
New York, NY 10036  
(646) 557-5100

SO ORDERED:

9/3/08

  
HONORABLE ALVIN HELLERSTEIN  
UNITED STATES DISTRICT COURT JUDGE  
SOUTHERN DISTRICT OF NEW YORK